

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)
Plaintiff,) Case No. 8:10CR-303
vs.)
MARK LINDSAY,)
Defendant.) ORDER

This case is before the court on defendant's Motion for Detention Review (#52). The defendant requests that the court reopen the issue of detention and allow the defendant to be placed in an appropriate treatment facility based upon a recent chemical dependency evaluation.

After reviewing the August 26, 2010 Pretrial Services initial appearance report, the August 26, 2010 Detention Order (#11), and the defendant's September 17, 2010 substance abuse evaluation report, I find the motion should be denied without hearing.

The proposed placement fails to address the court's concerns as set out in its Detention Order, specifically, the court's concerns as to danger based upon the defendant's age, his three prior felony convictions (robbery, second-degree felony 1986; sales/cultivation/distribution of hallucinogenic drugs-felony 1992; and driving under suspension-third offense felony 1995). The defendant's record also contains a prior convictions for an amended criminal threat (1994) and failure to appear (2007). Additionally, the proposed treatment program fails to rebut the presumption of detention under 18 U.S.C. § 3142(e).

IT IS ORDERED: The defendant's Motion for Detention Review (#52) is denied without hearing.

Dated this 1st day of November 2010.

BY THE COURT:

S/ F.A. Gossett, III
United States Magistrate Judge